



PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on May 7, 2015 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P= Present; A= Appointed; E= Elected)

P Tripp Barnes (E-Tisbury)	- James Joyce (A-Edgartown)
P John Breckenridge (A-Oak Bluffs)	P Joan Malkin (A-Chilmark)
P Christina Brown (E-Edgartown)	- W. Karl McLaurin (A-Governor)
- Harold Chapdelaine (A-Tisbury)	P Katherine Newman (A-Aquinnah)
P Robert Doyle (E-Chilmark)	- Doug Sederholm (E-Chilmark)
- Josh Goldstein (E-Tisbury)	P Abe Seiman (E-Oak Bluffs)
- Fred Hancock (E-Oak Bluffs)	P Linda Sibley (E-West Tisbury)
P Leonard Jason (A- County)	P Ernie Thomas (A-West Tisbury)
	P James Vercruysse (E-Aquinnah)

Staff: Mark London (Executive Director), Paul Foley (DRI Coordinator/Planner), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner), Curt Schroeder (Administrator).

James Vercruysse, Acting Chairman called the meeting to order at 7:00 p.m.

1. BREAKDOWN LANE METAL BUILDING - TISBURY C.R. 2-2015 – CONCURRENCE REVIEW

Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

For the Applicant: Carl Kenney

1.1 Staff Report

Paul Foley presented the following.

- The applicant is Carl Kenney.
- The location is 32 Breakdown Lane, Tisbury Map 22F Lot 4.5.
- The proposal is to demolish a 30 foot by 40 foot section of a 30 foot by 100 foot metal building and then build a detached 60 foot by 30 foot new metal building.
- The surrounding land uses are light industrial and woods.
- The current building housed multiple tenants. The new building will house just the concrete company and be used for parking their machinery, equipment, and storage of forms and other materials.

- The applicant is removing two of the three bathrooms in the existing building to be replaced by one bathroom in the new building.
- LUPC noted the project is near the Connector Road project. If there was a change in use it would come back to the MVC.

1.2 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman, presented the following.

- LUPC reviewed the project to see if there was a regional impact.
- There is a small increase in the square footage.
- For a project to be a mandatory referral it has to be over 3,000 s.f. The MVC no longer gives credit for what has been torn down.
- LUPC recommended that the full Commission not concur with the referral provided that the Town is informed that if, in the future, the applicant changes the use or increases the intensity, it needs to be referred.

1.3 Commissioners' Questions

Joan Malkin asked about the historic water usage. **Sheri Caseau** said the project is in the Tashmoo watershed and it has a low water use. The high usage was 15,000 gallons and last year it was 3,000 gallons.

John Breckenridge asked if this project has a Title 5 System. **Sheri Caseau** confirmed that it is.

Linda Sibley moved and it was duly seconded not concur with the DRI referral and send the project back to the Town. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

2. MIRANDA PIZZA AT PINE VILLAGE - TISBURY C.R. 3-2015 – CONCURRENCE REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

Linda Sibley noted that the applicant is not present as he had a prescheduled holiday in California.

2.1 Staff Report

Paul Foley presented the following.

- The applicant is Paulo Miranda.
- The location is 395 State Road, Tisbury Map 23A Lot 29.12.
- The proposal is to locate a takeout pizza and sub shop on State Road in Tisbury.
- The project was sent to the MVC because it is a food establishment outside the B1 District. This is a Concurrence Review.
- The project requires a Building Permit, Business Permit from the Board of Selectmen and the Board of Health.

- The complex used to host Vineyard Electronics, a video store, and a restaurant. Three of the five stores in front are currently empty. A paint store and dentist occupy the other two. East Chop Sleep Shop, an accountant, a fitness outfit, along with an empty restaurant are in the lower level accessible from the rear.
- There will be no tables, no seating, and no dishes. The bathroom is for employees only.
- The hours of operation will be 11:00 a.m. to 11:00 p.m. seven days a week.
- The site has 19 parking spaces in front, off of State Road, and at least 22 spaces in the rear.
- LUPC voted unanimously to recommend to the full Commission that this project does not rise to the level requiring a public hearing as a DRI.

2.2 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman said that one question reviewed at LUPC was whether there was a disproportion of traffic or parking load for the capacity of the building and Priscilla Leclerc confirmed it is not and should not present a parking problem.

Trip Barnes joined the meeting.

Linda Sibley moved and it was duly seconded that the MVC not concur with the referral and turn the project back to the town.

- **Joan Malkin** asked about the water usage.
- **Sheri Caseau** said the project is in the Tashmoo watershed. The load limit for the property is 5.6 kg/ac/yr. The load for the entire property is 2.74 kg/yr. The water usage range for the last five years is 130,000 gallons to a usage this year of 40,000 gallons. The water bill is for the whole complex so it is estimated that the large restaurant took a lot of the water usage. Because the property is in the Tashmoo watershed, it is a prime location to put sewers in.
- **Joan Malkin** asked if assumptions can be made for this project of what it would contribute to the nitrogen load.
- **Sheri Caseau** said the project is comparable to a restaurant in Vineyard Haven which uses 15,000 gallons per year and it would be under the nitrogen load for the watershed.
- **Joan Malkin** asked if the owner of the property is aware of what the effect would be if the building was completely occupied and what impact this project could present for future use.
- **John Breckenridge** said the big factor is the restrooms and they will only be for employees.
- **Leonard Jason** asked if this project's water use is as much as the previous restaurants.
- **Sheri Caseau** said the proposed project will not use one quarter of what was used by the prior restaurant.
- **Robert Doyle** noted that the proposed project could pose implications if a future restaurant wanted to go into the vacant lower level restaurant space.
- **Abe Seiman** asked if there are any implications for affordable housing to be built on the second floor.
- **Lenny Jason** noted that there is not a second floor.
- **Joan Malkin** added that there is a walk out lower level.

- **Christina Brown** noted that right now, there are a lot of empty spaces and asked what the nitrogen load is into Tashmoo.
- **Sheri Caseau** said the nitrogen load based on this year's water use was 17 kg.
- **Christina Brown** asked what the nitrogen load would be if the property was vacant.
- **Sheri Caseau** said the load would be 2.7 kg.
- **Christina Brown** noted that with the building being half empty the building is already exceeding the nitrogen limits. The MVC policy has always been whatever the nitrogen load was for the building remains. This is an unusual circumstance and the nitrogen load could get worse.

Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

3. DRAFT TIP AMENDMENT VOTE

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

3.1 Martha's Vineyard TIP Amendment Review

Priscilla Leclerc presented the following.

- The Martha's Vineyard Transportation Improvement Program (TIP) is developed annually through partnership with federal, state, Island-wide, and local parties on the Joint Transportation Committee (JTC).
- The TIP is a short range program or budget of transportation system operations and improvements programmed over the next four years within estimated federal and state financial resources.
- An amendment to the TIP is a change that adds or substantially changes a project and is then put out for public information, review, and comment.
- The TIP amendment for FFY 2015-2018 was triggered by the addition of a transit project for the VTA.
- The VTA applied to MassDOT in late January for a grant to purchase additional vehicles and was successful in obtaining funds to purchase a van.
- The amount of \$60,400 is now in the Draft TIP amendment to allow the VTA to use the funds to purchase the van.
- The MVC is asked to vote for the Vice-Chairman to sign the endorsement page.

3.1 Commissioners' Questions

Joan Malkin asked if the amendment increases the budget for the TIP program by \$60,400.

Priscilla Leclerc said it does because the VTA was able to obtain the additional funds. The budget is put together annually and it is a four-year program but is updated yearly.

James Vercruysse asked if the van is for elderly transportation. **Priscilla Leclerc** said the VTA was looking for a van to be parked on the other side for necessary transport issues for the elderly. **Leonard Jason** added that the van is a replacement vehicle.

Joan Malkin moved and it was duly seconded that the MVC approve the TIP amendment and that the Vice Chairman be authorized to sign the amendment. Voice vote. In favor: 10. Opposed: 0. Abstentions: 1. The motion passed.

4. BUILT ENVIRONMENT DRI POLICY – PRESENTATION OF DRAFT

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

4.1 Presentation of Draft

Mark London presented the following.

- The MVC has written a series of policies as guidance for DRI applicants. The Affordable Housing Policy requires a few tweaks that will be discussed soon. Work on the Transportation Policy still needs to be completed and that may not be done under his tenure.
- The policy gives guidance to applicants seeking approval of a Development of Regional Impact (DRI) by the Martha's Vineyard Commission regarding the Built Environment.
- The Built Environment Policy is concerned with historic preservation, community character, universal access, green building, impacts on abutters and the public, archaeology, and building resilience.
- The draft incorporates the comments that have been received by some Commissioners and representatives of town boards. This draft has been sent to the Planning Boards, Historic District Commissions, and Historical Commissions, who have been invited to submit comments.
- This will be on the agenda of the May 21, 2015 Commission meeting for Commissioner or public comments. There will be a PED meeting on May 27, 2015 at 12:30 p.m. to review and discuss the comments that are received. The meeting might be at the South Mountain Company; the final location will be posted on the MVC website.

4.2 Commissioners' Discussion

Trip Barnes raised concern about the reference to energy. He has built three affordable apartments, using repurposed materials. When he lifted his building on Evelyn Way he wanted to build two apartments but couldn't because they wouldn't meet the Stretch Energy Code.

Katherine Newman noted the old way of making something out of nothing and the need to build housing for young families that is affordable. But these families need to maintain this housing and meet expenses such as the heating costs. There is a balance of how to make the most of what we have as well as being able to maintain that housing in the future.

Mark London noted that this policy is just for DRI review, and the MVC does not have the authority to override the Towns to do something more relaxed. He also clarified that the policy deals with built environment issues for projects which are being reviewed by the Commission for whatever reason. It not related to the DRI Checklist and does not affect which existing or proposed buildings would be reviewed by the Commission.

Linda Sibley said that she has read the draft policy and felt it is long and dense, and applicants might not read it; half the policy is devoted to historic preservation which is not relevant to most people. **John Breckenridge** said perhaps an executive summary would be helpful. **Joan Malkin** invited Linda Sibley to make specific suggestions about what could be improved. **Mark London** noted that the policies are only for DRI applicants and suggested that with a clear table of contents and headings, applicants could find and only read what is relevant to their DRI application.

5. NEW BUSINESS

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

5.1 Reports from Committees and/or Staff

Planning and Economic Development (PED)

Joan Malkin, PED Chairman said that the status report of Island Plan strategies is in production and she hopes to be able to look at a draft in a week or so.

Correspondence

Joan Malkin said that Fred Hancock (MVC Chairman) asked her to write a thank you letter to Mary Aicardi, the consultant from the Collins Center who worked on the Executive Director Search. It was agreed by consensus to send her a note expressing the MVC's gratitude.

Minutes

Mark London said the Minutes for March 26, 2015, April 2, 2015, April 8, 2015 and April 9, 2015 will be approved at the next MVC meeting. There is also a set of minutes from May 2011 that were overlooked and need to be approved.

6. EXECUTIVE SESSION

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

James Vercruysse, Acting Chairman noted that a motion needs to be made to go to Executive Session for the Executive Director Contract Approval for Adam Turner. The contract will be discussed and an informal vote will be taken and then the meeting will go to open session for the formal vote of the contract.

- **Leonard Jason** asked what part of the Bylaw the MVC is going under for the open session meeting law.
- **John Breckenridge** noted that MVC counsel said it was okay for the MVC to go to Executive Session and noted the exact Bylaw.
- **Joan Malkin** noted it is found under Purpose Number Two of the ten acceptable purposes of Executive Session.

Joan Malkin moved and it was duly seconded to go to Executive Session for the Purpose 2 of the Open Meeting Law, namely "to conduct strategy sessions in

preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel”, to invite Curtis Schroeder, MVC Administrator, to participate, and then return to Open Session. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: T. Barnes. The motion passed.

The meeting was adjourned at 8:00 p.m.

7. EXECUTIVE DIRECTOR EMPLOYMENT AGREEMENT

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

The Commission reconvened in open session at 8:35 p.m.

It was moved by John Breckenridge and seconded by Abe Seiman that the Commission approve the Adam Turner Employment Agreement. The motion passed unanimously.

Kathy Newman moved and it was duly seconded to empower Adam Turner as Executive Director on August 1, 2015, and for the Executive Committee to facilitate this. In favor: 10. Opposed: 1. Abstentions: 0. The motion passed.

The meeting was adjourned at 8:45 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission C.R. 2-2015 Kenny Concrete Building, MVC Staff Report – 2015-05-04
- Land Use Planning Committee Notes of the Meeting of May 4, 2015
- Site Plan, Tisbury, Mass., Prepared for Carl J. Kenney, Trustee of the Kenney Family Realty Trust, Dated March 18, 2015
- Martha's Vineyard Commission DRI # 218-M Miranda Pizza, MVC Staff Report – 2015-05-07
- Email to the MVC from the Town of Tisbury Board of Health, approval of the Pizza at Pine Village, Dated May 1, 2015
- Email to MVC Approval Request from Owner, Ronald and June Pine Owners Dated May 6, 2015
- Martha's Vineyard Commission Memo to the Commissioners, Subject; MV TIP Amendment for FFY 2015-2018, Dated May 1, 2015
- MVC Policy for DRI Review Built Environment, Draft Dated May 4, 2015
- Draft Employment Agreement for Adam Turner

- **Leonard Jason** asked what part of the Bylaw the MVC is going under for the open session meeting law.
- **John Breckenridge** noted that MVC counsel said it was okay for the MVC to go to Executive Session and noted the exact Bylaw.
- **Joan Malkin** noted it is found under Purpose Number Two of the ten acceptable purposes of Executive Session.

Joan Malkin moved and it was duly seconded to go to Executive Session for the purpose specified in Purpose Number Two of the Open Meeting Guidelines and then return to Open Session. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: T. Barnes. The motion passed.

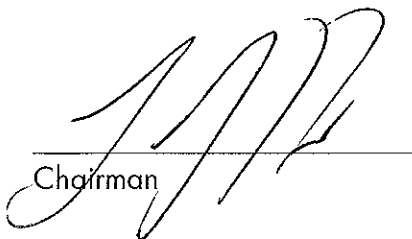
6. EXECUTIVE SESSION

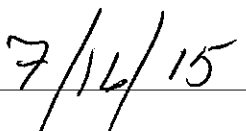
Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Malkin, K. Newman, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

The meeting was adjourned at 9:25p.m.

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Chairman


Date